

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SIERRA CLUB,)
)
)
Plaintiff,)
)
)
v.) No. 14-cv-408-AGF
)
)
UNION ELECTRIC COMPANY, d/b/a)
AMEREN MISSOURI,)
)
)
Defendant.)

**JOINT MOTION TO MODIFY CERTAIN
DISCOVERY DATES IN THE SCHEDULING PLAN**

COME NOW plaintiff Sierra Club and defendant Union Electric Company d/b/a Ameren Missouri (collectively, the “Parties”), by and through their respective counsel, and hereby jointly and respectfully move this Court to modify certain discovery dates in the Scheduling Plan in this matter, and state the following in support:

1. On February 27, 2015, this Court entered its Case Management Order and Scheduling Plan in this matter, which was designated as a Track 3 (Complex) case.
2. On September 11, 2015, the Court granted the Parties’ joint motion to extend certain discovery dates, without affecting the summary judgment briefing schedule or the trial date.
3. The Parties have worked cooperatively to facilitate discovery, and agree that further modifications of certain discovery dates are warranted to ensure an efficient discovery process. Specifically, the Parties seek:
 - (a) To extend the deadline for fact discovery pertinent to expert testimony.

- (b) To consolidate expert depositions to reduce the amount of time needed for expert discovery and to avoid repeated depositions of the same expert witness.
- (c) To add to the schedule a limited five-week period after the initial expert disclosures to allow for fact discovery relating to expert testimony on newly-disclosed information in the initial expert reports that could not have reasonably been anticipated prior to the receipt of initial expert reports as requiring discovery.

4. The present motion will not affect the Court's calendar, and all dates not related to discovery, including briefings on motions for summary judgment and trial, remain the same.

5. The Parties do not seek this extension for any improper purpose or to delay the proceedings, and no unfair prejudice to the Parties will result from this modification of the discovery dates.

6. The Parties jointly request that the Scheduling Plan be amended as follows:

- (a) January 22, 2016 – Closure of fact discovery pertinent to expert testimony.
- (b) February 5, 2016 – Initial expert disclosures and initial reports due.
- (c) February 5, 2016 – Referral to alternative dispute resolution.
- (d) March 7, 2016 – Responsive expert disclosures and responsive reports due.
- (e) March 11, 2016 – Closure for fact discovery pertinent to expert testimony on newly-discovered information in the initial expert reports that could not have reasonably been anticipated prior to the receipt of initial expert reports as requiring discovery.
- (f) April 1, 2016 – Rebuttal expert reports due.
- (g) April 22, 2016 – Fact discovery closure; expert depositions to be completed.
- (h) May 31, 2016 – Termination of referral to alternative dispute resolution.

7. The Parties agree that a party can only depose a particular expert witness once during expert discovery, absent unforeseen circumstances and good cause shown.

WHEREFORE, the Parties respectfully request that this Court grant their Joint Motion to Modify Certain Discovery Dates in the Scheduling Plan.

Dated: November 17, 2015

/s/ Benjamin J. Blustein

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CERTIFICATE OF SERVICE

The undersigned certifies that on November 17, 2015, a true and correct copy of the foregoing Joint Motion to Modify Certain Discovery Dates in Scheduling Plan was filed via the CM/ECF system, serving a copy on all counsel of record.

/s/ Lisa Mecca Davis

Lisa Mecca Davis